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ABSTRACT

The paper reports on a court case in which the public school system was sighted in violation of the decree in Mills v. Board of Education of the District of Columbia and which resulted in the development of the Child Study Center which provides assessments, identification, and placement of handicapped students by an interdisciplinary team. Among the concerns identified by a special assistant to the superintendent regarding the District of Columbia Public School System was the need for a centralized services center. Among the advancements made in complying with the needs identified in the court order and the Mills decree were a comprehensive study of special education and pupil personnel services, development of comprehensive curricula for special education, implementation of a parent group, and implementation of a Hearing Committee to review special education cases. Success of the Child Study Center included cross discipline planning, articulation, and communication among personnel; cooperation between District of Columbia Public Schools' staff and the Department of Human Services; increased overall accountability of personnel; and involvement of advocates for the handicapped in the development, implementation, and evaluation of educational programs and services. (SB)

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A SUCCESSFUL MODEL IN THE ASSESSMENT, IDENTIFICATION, AND PLACEMENT OF HANDICAPPED CHILDREN AND YOUTH IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

by Otha Richard Sullivan, Ombudsman
District of Columbia Public Schools

The assessment, identification, and placement of handicapped children and youth continue to be major issues school districts across the country face in complying with Public Law 94-142 (P.L. 94-142), the Education for all Handicapped Children Act of 1975, which became effective October 1, 1977. This Act, signed into law by President Ford on November 28, 1975, was designed to assure that all handicapped children and youth have available to them a free and appropriate public education. Specific procedures are outlined in federal regulations for the assessment, identification and placement of handicapped children and youth. P. L. 94-142 also emphasizes the protection of due process rights of parents and children.

Although P. L. 94-142 presents specific guidelines on the individual education program (IEP), related services, placement committee, child evaluation, program evaluation, and procedural safeguards, some school systems are finding it a formidable challenge and an expensive process to follow these regulations to assure that appropriate assessment, identification and placement are made.

While some school systems have failed to comply with local, state and federal laws in the delivery of special education services, few have come under the scrutiny of the Courts or have been monitored by the Courts. The purpose of this article is to share how the District of Columbia Public Schools has successfully responded, in leading the nation, in providing public education for all handicapped children and youth. It further presents some of the problems that the School District had to address to support this effort. Much of the success in the delivery of services must be attributed to the Associate Superintendents for Instruction and Operations. They recognized the need for a comprehensive review and assessment of the quality of services offered to handicapped children in the District of Columbia. Their commitment to the special education and related services of the handicapped has helped the District of Columbia Public Schools to develop, implement and evaluate services in this area.

In monitoring the delivery of pupil personnel and special education services, one school system which has been held under scrutiny by advocates, parents, social and public agencies and the Courts is the District of Columbia Public Schools. On December 17, 1971, a civil action, Peter Mills, et. al., v. Board of Education of the District of Columbia, et. al., was brought on behalf of seven children of school age "by their next friends in which they sought a declaration of rights and to enjoin the defendants from excluding them from the District of Columbia Public Schools and/or denying them publicly supported education and to compel the defendants to provide them with immediate and adequate education and educational facilities in the public schools or alternative placement at public expense." [1] This case is referred to as Mills.

The basis for the Mills Court case is found in the "failure of the District of Columbia to provide publicly supported education and training to plaintiffs and other 'exceptional' children from regular public school classes without affording them due process of law." [2]

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On December 20, 1971, the plaintiffs and defendants agreed to and the Court signed an interim stipulation and order which provided for (1) providing four plaintiffs with a publicly supported education suited to their needs by January 3, 1972; (2) submitting a list of every school age child known not to be attending a publicly supported educational program due to suspension, expulsion, exclusion and any other denial of placement; (3) making efforts to identify other students not known to them; and (4) considering the selection and compensation of a master to consider specific questions regarding the placement of students in a publicly supported educational program. A summary judgment in favor of plaintiffs and against defendants was granted by the United States District Court Judge Joseph C. Waddy. This judgment included that (1) no child in the District of Columbia Public Schools shall be excluded from a regular public school; (2) that the District of Columbia Public School provide a free and suitable publicly supported education; (3) establishing a "child find" program; (4) procedures be established to notify parents of the eligibility of their child for special educational services; (5) that written notification be provided to parents of all due process rights; (6) established a time line of twenty (20) days from referral for the evaluation, diagnosis and recommendation; (7) established a time line of 30 days for evaluation, diagnosis when there was a lack of pre-referral observation and assessment and lack of outside assessment data; (8) established a time line of 30 days for placement; (9) established specific procedures to notify parents of their due process rights regarding a proposed placement, change of placement or a decision to deny placement; and (10) established specific procedures for holding hearings. (These timelines have not been established as a national requirement for the assessment and placement of children and youth.)

On August 1, 1972, Judge Joseph C. Waddy of the United States District Court for the District of Columbia issued a landmark decree in Mills v. Board of Education of the District of Columbia, 348F. Supp. 866 (D.C.C. 1972). This decision held unconstitutional the District of Columbia's practice of denying publicly supported education to handicapped children. It required the Board of Education, the Department of Human Resources (now called the Department of Human Services, DHS) and the Mayor of the District of Columbia to provide each handicapped child in the District a free and suitable publicly-supported education. . Mills, supra, at 878.

In March 1975, the District of Columbia Public Schools was held in contempt of Court for violation of the Mills decree. The Court appointed a special master to act as an officer of the Court to investigate and assess the appropriateness and suitability of special education programs for pupils in need of special services within the District of Columbia Public Schools. The special master conducted public hearings, held interviews and presented a report to the United States District Court for the District of Columbia on September 20, 1976. (Authority was not given the special master to develop a compliance plan nor was he given an active role in the implementation of such a plan.)

After the report of the special master was made, the Court ordered the defendants to develop a new plan for compliance with those violations indicated in the report. The District of Columbia Public Schools submitted two plans which were rejected by the Court. The third plan was adopted by the Court in May, 1977.

In January, 1980, lawyers for the plaintiffs returned to Court with a number of cases that contended the District government had failed to meet timelines and comply with the order of the late Judge Joseph C. Waddy. During the Court hearings, the District of Columbia Public Schools presented statistics and information on the types of cases handled during the 1978-79 school year.

To assist in identifying specific issues associated with compliance, the Superintendent of Schools appointed a special assistant in January, 1980, to oversee the Pupil Personnel Services Branch and the Division of Special Education. The primary objective of this appointment was to determine what problems existed within the system in its efforts to comply with P. L. 94-142, Mills decree, Board of Education Rules and Superintendent's Directives. The assistant to the Superintendent held over 300 interviews with District of Columbia Public Schools' central and regional staff, advocacy groups and social, educational and health agencies regarding their perceptions of the coordination and delivery of special education and pupil personnel services.

In summarizing the interviews the special assistant found that there were some common issues and concerns addressed by all individuals. One issue commonly raised by interviewees was Decentralized versus Centralized Pupil Personnel and Special Education Services. Interviewees generally felt that these services should be centralized to provide more accountability and uniformity in services throughout the school system.

Findings of the special assistant were presented to the superintendent in March, 1980. The findings included the following:

- Review the organization of services for possible reorganization into a centralized services' center for assessment, identification and placement of students.

- Develop and implement pupil personnel and special education services based on an interdisciplinary and interagency team approach.

- Delineate specific roles and responsibilities for all personnel in the Pupil Personnel Services Branch and the Division of Special Education.

- Determine the specific personnel and other supportive needs to comply with the Mills decree time lines of twenty (20) days for assessment and thirty (30) days for placement.

- Establish a monitoring system to determine the number of cases referred/assessed/identified/and placed in the Regions.

On March 14, 1980, recommendations were presented to the Superintendent of Schools:

- A centralized Assessment Center is needed in the District of Columbia Public Schools. Social Workers, psychologists, clinical psychologists, IEP Developers, Speech and Hearing Specialists and other diagnostic personnel should be assigned to the Center, i.e., psychiatrists, (from the Department of Human Services) and other diagnostic/pre-

scriptive personnel.

- A comprehensive management training program for regional and central administrators and staff should be developed and implemented to serve as a means of improving the skills of school site personnel in planning, implementing, evaluating and monitoring pupil personnel and special education services.

- A systematic program of parent.information and involvement should be developed and disseminated. Parents need to be informed throughout the process of assessment, identification and placement. (Parents frequently become disgruntled when they do not get any information regarding the status of cases during the process.)

- Specific goals and objectives for all pupil personnel and special education workers need to be developed, implemented, disseminated and evaluated.

- The District of Columbia Public Schools and Department of Human Services need to develop and implement a workable agreement to delineate who and what agency is responsible for providing medical, instructional, diagnostic and psychiatric services to students and family members who qualify for these services. Particular attention needs to be given to the mutual development of an agreement on criteria for placement of students in private and/or residential facilities and what agency is responsible for financing such placements.

- The District of Columbia Public Schools and the Department of Human Services need to determine what agency is responsible for providing related services, i.e., occupational and physical therapy.

- Efforts need to be made in developing and implementing uniform procedures/guidelines for the operation and supervision of regional special education and pupil personnel services' centers. Uniformity should be evident in (1) the interdisciplinary approach to assessment, identification and placement of students; (2) staff, program/services' accountability; (3) use of forms; (4) accessibility of student records; (5) types of special education programs and pupil personnel services offered to students; (6) interpretation of local, state and federal guidelines; and (7) dissemination of information to parents and students regarding due process rights.

- The District of Columbia Public Schools need to consider appointing an Ombudsman to (1) monitor the delivery of pupil personnel and special education services; (2) hear, review and respond to complaints regarding the delivery of educational services to all students; and (3) serve as a liaison with other city agencies.

Through the efforts and commitment of the Superintendent of Schools and Associate Superintendent for Educational Services and Operations, and Associate Superintendent for Instruction, Pupil Personnel Services and Special Education were given top priority . The first step was the development and implementation of a Summer Assessment

Program which responded to the "backlog" of cases awaiting assessment and placement. A team of school psychologists, social workers and educational assessors was hired for the summer to assess students (1980). Special Education teachers and regional pupil personnel services' administrators were also assigned to the Child Study Center with the responsibility of assisting in determining eligibility and identifcation /placement of students needing special education and/or pupil personnel services.

While planning and implementation of programs were taking place in the District of Columbia Public Schools, on June 18, 1980, the United States District Court of the District of Columbia held defendants for the second time in "willful and deliberate contempt" of its decree.[3] Judge John Garret Penn stated that the evidence demonstrated "beyond a reasonable doubt" that the defendants had failed to comply with the Mills decree."[4]

The District of Columbia Public Schools responded to the Court on July 7, 1980, with a specific proposal to comply with the Court's order. Primarily, this plan addressed a complete overhaul of the Division of Special Education and the Pupil Personnel Services Branch. A centralized Child Study Center was established to perform assessment, identification and placement of children and youth.

Following the defendant's submission to the Court, the plaintiffs filed a motion on August 19, 1980 for the appointment of a special master "to monitor, oversee and assist in implementing the Court's order in Mills v. Board of Education. While plaintiffs were filing a motion for the appointment of a special master, a report on the accomplishments of the Office for School Opersations, the Office responsible for the supervision of Special Education and Pupil Personnel Services, was made. These efforts highlight the advancements made in complying with those needs identified in the Court's order and the Mills decree:

- A special assistant to the Superintendent for Special Education Programs and Pupil Personnel Services was appointed in January, 1980, to assist the Superintendent's Office in monitoring the delivery of services in the Division of Special Education and the Pupil Personnel Services Branch.

- A comprehensive study of Special Education and Pupil Personnel Services was conducted and completed. Problems areas were identified and recommendations with specific strategies to deal with the timely assessments and placements were made.

- The special assistant to the Superintendent is serving as an ombudsman to (1) handle problems and complaints regarding special education students and those students involved in the assessment, identification and placement process; (2) monitor and review the delivery of special education and pupil personnel service, and (3) serve as the liaison between the District of Columbia Public Schools and the community.

- Site visits were made to State Special Education Schools. The site teams' overarching purpose was to evaluate the availability, use and adequacy of instruction, staff, support services, physical plant, educational environment and school administration. Evaluations of

those visits were completed.

- Action plans for the delivery of educational and support services in state schools were reviewed and meetings were scheduled during the summer (1980) to address needs and implement specific support to assist all state special education schools in providing continued educational programs to handicapped children and youth.

- Reorganization was made in the Special Education Division. As a result of reorganization, state special education schools report directly to the assistant superintendent for Special Education. This change ensures that these school principals have a direct line/access to the Office of the Assistant Superintendent for Special Education to deal with problems and concerns of staff and parents in a timely manner.

- Comprehensive Curricula for Special Education were developed during the summer of 1980 through the efforts of the Division of Special Education and the Offices of School Operations and Instruction. These curricula were made available for review, inservice and use by classroom teachers at the beginning of the 1980-81 school year.

- Specific planning was undertaken by Administration to ensure that parents are informed and involved throughout the process of assessment, identification and placement. Parent involvement was encouraged and received throughout the planning for the 1980-81 school year.

- A parent group was developed and implemented by the State Office for Special Education in September, 1980.

- Under the reorganization plan of 1980 the specific duties and responsibilities of the Central Special Education Office, Central Pupil Personnel Services Branch, Regional Special Education and Pupil Personnel Services' Centers were delineated and well-defined in regard to what each division/branch/center is expected to assume in the delivery of services.

- Successful efforts have been made in securing comprehensive support services from the entire District of Columbia Public Schools.

- A Hearing Committee was developed and implemented during the summer of 1980 to review special education cases. Members of this Committee include the assistant superintents of Special Education, Student Services, Acting-Chief of Residential Placements (DHS) , Director of the Child Study Center, Coordinator of Placement, Ombudsman, and Executive Assistant for the Office of Educational Operations.

- Parents, teachers, administrators, advocates and community agencies have been encouraged to contact the Office for Educational Operations to express their concerns and problems. The Ombudsman for Special Education Programs has been actively involved in talking with these groups by telephone and meeting with parents regarding their concerns. Many concerns raised on the assessment, identification and placement of students have been resloved.

- To assist in improving educational programs, consultants were assigned to two special education schools to provide assistance in administration and program development. These consultants have been instrumental in offering recommendations and support to upgrade programs in the areas of instruction and administration. A list of specific educational and supportive services was disseminated to parents of handicapped students. A Parent Training Program was developed and implemented by the Division of Special Education.

In continuing efforts to provide quality assessments and placements, a plan was deveioped in March, 1980 to institute a centralized child study center which would handle the processing of all cases from assessment to placement.

This plan was also developed to respond, and comply with the Court's order to create a single, centrally located place for the assessment and placement of handicapped children.

In planning the Child Study Center, steps were taken by Administration to develop a model to ensure that the School District provide timely assessments, identification and placement of handicapped students. Particular attention was given to the importance of the Child Study Center in effectively meeting the mandates of P.L. 94-142, the Court's order, Mills decree, the rule of the Board of Education and the Superintendent's directives.

Tasks were assigned to an interdisciplinary team. These tasks included the following:

- Select a planning development and implementation committee representative of parents, teachers, administrators, advocates and community agency representatives.

- Design referral model

- Design the Child Study Center Model

- Review existing positions. Write position descriptions for staff selection

- Conduct staff development activities

- Prepare materials for public information

- Design appropriate forms

- Develop appropriate handbooks, brochures and identify regional resources, area sites and Child Study Center site.
- Develop procedures for transition cases.
- Coordinate move.
- Pursue interagency agreement.
- Develop transportation procedures.

The Child Study Center began operating during the summer of 1980 to clear up cases awaiting assessment and possible placement for the 1980-81 school year.

Expected Outcomes of the Child Study Center

The Planning and Implementation Committee for the Child Study Center listed the following expected outcomes for the Child Study Center:

1. Cases will be uniformly processed in one center to provide a comprehensive assessment of all students referred.
2. Cases will be assessed within the requirements of the 20-day timeline as stipulated in the 1972 Mills Decree.
3. Cases will be placed within the requirement of the 30-day timeline as stipulated in the 1972 Mills Decree.
4. Testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children will be selected and administerd to comply with non-discriminatory assessment of students.
5. Individual Education Plans (IEP) will be developed and written to provide the necessary educational and supportive services for students to include:
   a. a clear statement of the child's present level of educational performance;
   b. a clear statement of annual goals, including short term instructional objectives;
   c. a clear statement of the specific special education related services to be provided to the child, and the extent to which the child will be able to participate in regular education programs;
   d. the projected dates for initiation of services and the anticipated duration of services; and
   e. appropriate objective criteria and evaluation for determining, annually, whether the short term instructional and supportive activities are being achieved.

6. The interdisciplinary team approach to assessment, identification and placement will be coordinated through an established and consistent plan of communication and cooperation.

7. Regional pupil personnel centers personnel will be more readily available for prevention and intervention programs to local schools through providing:

   a. direct support to students, parents, classroom teachers and administrators.

   b. inservice training for classroom teachers, principals, counselors and other support staff.

8. The Child Study Center Team will be staffed with appropriate support personnel to assist in the comprehensive assessment, identification and placement of students, i.e., school psychologist, school social workers, nurse, attendance officer, parents, educational assessors, I.E.P. writers, secretaries, clerks and other personnel.

9. Transportation will be promptly arranged in a centralized setting for handicapped students who qualify for such service.

10. Special Education and Pupil Personnel staffs (central and regional) will support the efforts of the Center through providing direct assistance when needed and jointly plan, and implement programs to support the policy that all handicapped children have the right to free and appropriate public education.

11. Level I, school site educational strategies of intervention and prevention, will be attempted to assist students at the neighborhood school as opposed to immediately referring for testing all children suspected of needing additional educational and supportive services.

The Child Study Center has completed a year of operation. In evaluating the impact of the Center on the timely assessments, identification and placement of students, a comprehensive review was conducted in May 1981.

In reviewing the Center, four areas were evaluated: operations, services, compliance and facilties. Results of this review indicate that the Center completed a successful year. The Center received high marks in the four areas reviewed.

Successes of the Child Study Center

The Child Study Center became fully operational in September 1980. The following successes are quite apparent today in the operation of the Center:

1. Assessment and placements are being made in a timely manner.

2. Parents have begun to express their satisfaction with the services of the Center. Parents are feeling satisfied in going to one source for information on assessment, identification and placement. They are not discouraged and frustrated in negotiating what can often be perceived as a complicated system.

3. Pupil Personnel and Special Education specialists are working effectively together in a centralized center. Successful planning and implementation of programs are taking place among Pupil Personnel and Special Education workers. There is evidence of cross-discipline planning, articulation and communication among personnel.

4. The District of Columbia Public Schools staff and the Department of Human Services personnel are working in a cooperative manner. The Department of Human Services has assigned to the center a nurse and a part-time physician. Plans are currently being made to assign additional personnel to the Center.

5. Comprehensive evaluations are made on each referral with the assistance of an interdisciplinary team, i.e., school psychologists, school social workers, speech therapists, educational assessors and other specialists.

6. The Center is accessible to parents, teachers and others as it is conveniently located to all areas of the city.

7. The backlog of cases has been eliminated from regional pupil personnel offices. Pupil Personnel workers are currently providing direct support to schools in an effort to intervene and assist students in their neighborhood schools.

8. Overall accountability of personnel has increased with the implementation of the Child Study Center.

9. Advocates for handicapped indivuduals are involved in the development, implementation and evaluation of educational programs and services to handicapped children and youth.

10. Many problems are being resolved at the local school level with the assistance of the ombudsman, commitment of Administration and School Board support. The District of Columbia Public Schools' ombudsman is working to oversee and evaluate the planning, development, implementation and evaluation of special education programs and pupil personnel services. In addition, the ombudsman serves as the Schools' representative and liaison with parents, community agencies, teachers, administrators and advocacy groups to hear, investigate and resolve complaints regarding the delivery of appropriate and efficient educational services to all students.

At this time, the District of Columbia Public Schools is faced with a pending decision of the United States District Court in the request of plaintiff, attorneys for handicapped children and youth to appoint a special master to monitor, oversee and assist in implementing the Mills Decree.[5] While this request has been made, the District of Columbia Public Schools and the City have demonstrated that they can provide appropriate special education and pupil personnel services to meet the needs of all students. There is considerable evidence that the District of Columbia Public Schools have attempted to comply with the orders of the Court.

The District of Columbia Public Schools and the city have taken many steps to provide a free and appropriate public education for handicapped children and youth. Over the past eight (8) years, this school system and the City have been under the close eye of the United States District Court. While compliance with P.L. 94-142 , the Rules of the District of Columbia Public Schools' Board of Education, Superintendent's Directives, Public Law 89-313, and other regulations is an on-going responsibility, the Schools and the City have identified their problems and developed effective strategies to correct problem areas. In view of these efforts, the future appears to be optimistic for this City to continue to provide model educational programs and services for handicapped students.

The problem faced by the District of Columbia Public Schools in meeting the educational needs of handicapped individuals are not unique to this system. School systems across the country and grappling to comply with P. L. 94-142. The District of Columbia Public Schools' efforts and its long-standing commitments to the rights of all children and youth to a free and appropriate public education can serve as a model for the nation.

Much of the success of planning, implementation and evaluation efforts can be attributed to the commitment, dedication and on-going support demonstrated by the Superintendent, Associate Superintendents of Educational Operations and Instruction, regional special education and pupil personnel services workers, Assistant Superintendent for Special Education, Director of the Child Study Center, the Board of Education and community organizations.

Based on reports by the Ombudsman of the District of Columbia Public Schools, the school system has made giant strides over the past year to positively impact on the continued delivery of appropriate special education and pupil personnel services to handicapped children and youth. Increased efforts are being made to evaluate all the services to this population.

In a time when public schools are faced with serious budget problems and more mandates for services to students, providing quality special education and pupil personnel services becomes an important issue. "Front Lines", a feature in The Executive Educator, (February, 1981) reports that at the annual convention of the National Organization of Legal Problems of Education (NOLPE), held in November of 1980, "a major theme of the meeting was legal questions concerning the education of the handicapped, something that's had school executives squealing lately."

Footnotes

1 Peter Mills, et al., Plaintiffs v. Board of Education of the District of Columbia, et. al., Defendants, Civil Action, No. 1939-71, Dated December 17, 1971.

2 Ibid

3 Peter Mills, et. al., Plaintiffs v. Board of Education of the District of Columbia, et. al., Defendants, Civil Action No. 1939-71, Dated June 17, 1980, Memorandum Order of Judge John Garrett Penn.

4 Ibid

5 Peter Mills, et. al., Plaintiffs, v. Board of Education of the District of Columbia, et. al., Defendants, No. 1939-71, Dated August 22, 1980.